

Appln. No. 10/766,732
Amdt. dated: November 7, 2005
Reply to Office Action dated Aug. 23, 2005

Amendments to the Drawings:

The attached Replacement Sheets of drawings include changes to Figures 1-7. These Replacement Sheets replace the original sheets. The corrections to the drawings are explained, in detail, in the remarks section of this amendment paper. In addition, a new sheet labeled at the top margin as "New Sheet Fig. 8," has been included.

Attachments: Replacement Sheets (7)
New Sheets (1)

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Remarks/Arguments

These remarks are in response to the Office Action dated August 23, 2005. This reply is timely filed. At the time of the Office Action, claims 1-32 were pending in the application. Claims 5 and 20 were objected to as being dependent upon a rejected base claim, but the Examiner has indicated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 1-4, 6-19, and 21-32 were rejected under 35 U.S.C. §103(a). The rejections are set out in more detail below. Claims 1, 5, 15, 20, and 26 have now been amended. Claim 30 has been cancelled.

I. Allowable Subject Matter

Applicant notes with appreciation that the Examiner has indicated that Claims 5 and 20 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, claims 5 and 20 have been amended to include the original language of independent claims 1 and 15, respectively. Amended independent claims 5 and 20 are now believed to be in condition for allowance. Please charge Deposit Acct. No. 50-2884 in the amount of \$200 for two (2) additional independent claims pursuant to Fee Code 2201.

II. Brief Review of Applicants' Invention

Prior to addressing the Examiner's rejections on the art, a brief review of Applicants' invention is appropriate. The invention relates to a laptop computer carrying case of a generally parallelepiped form for transporting laptop computers of small and oversized dimensions. The carrying case includes a front panel, a rear panel spaced apart and opposed from the front panel and a pair of side panels attached to the front and rear panels along corresponding side edges of the front and rear panels. A base panel is attached to the front, rear, and side panels. A cover flap is attached to the case and is adjustably latched to the case. One or more side straps protect oversized computers from damage. The side strap extends from the side panel and substantially covers a gap area between the side panel and the cover flap.

III. Drawing Objections

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Figures 1 and 7 were objected to for failing to comply with 37 C.F.R. §1.84(p)(4). Specifically, the Examiner has asserted that reference character "105" has been used to designate both front and rear edges. Figs. 1 and 7 have been amended by replacing reference number "105" with reference number "103," to properly designate the front edge. Examiner has requested corrected drawings in compliance with 37 C.F.R. §1.121(d). Applicants submit the Replacement Sheet drawings for Figs. 1 and 7.

The drawings are also objected to under 37 C.F.R. §1.83(a). In particular, Examiner has asserted that the covered pad material recited in claims 7, 22, and 29 must be shown. In response, Applicants have added a new sheet, labeled Fig. 8, to show a cross-sectional area of the strap that that can comprise a covered pad material. Fig. 2 has been amended to show cross-sectional line 8-8 corresponding to the view in Fig. 8.

In addition, Applicants wish to make additional minor amendments to Figs. 1-7. In figures 1, 3, 5, and 7 an arrowhead should be placed at the end of the lead line indicating the male portion (120). In Figs. 3 and 5, the arrowheads of cutting plane lines "4-4" and "6-6" should be pointing towards the depth of the case (into the sheet; from the front to the back panel). In Figs. 4 and 6, an arrowhead should have been placed at the end of the lead line indicating the opening (138). Regarding Fig. 7, an arrowhead should be placed at the end of slack portion (701). Also, strap portion (128) should be added to Fig. 7, marked by an arrowhead lead line. Applicants submit that no new matter has been added.

IV. Amendments to the Specification

Applicants have amended the specification in paragraphs 2, 14-16, 32, and 33 to correct several minor typographical errors, to place number 801 to reference the "resilient pad material" that was already disclosed in the original application, and to correct inconsistent usage of reference numbers. Pursuant to Examiner's objection, Fig. 8 was added to the Brief Description of the Drawings section and referenced in the Detailed Description of the Drawings section. The original intended meaning was apparent from the text and no new matter has been added.

V. Claim Rejections Under 35 U.S.C. §112

Claim 30 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. In response, claim 30 has been cancelled. This correction overcomes the Examiner's rejection.

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VI. Claim Rejections Under 35 U.S.C. §103(a)

Claims 1 and 10-14 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,960,952 to Chen ("Chen").

The Chen invention discloses a protective briefcase for a notebook computer. The briefcase consists of a body that includes five side panels and a cover. The briefcase body and cover can be engaged to or separated from each other by using a zipper. In addition, the briefcase body includes a fastener member that is attached to one or more of the side panels that holds and fixes a notebook computer in the protective briefcase. In one embodiment of Chen's invention, a first fastening belt (32) is positioned to fix the wider surface of the notebook computer, while the second fastening belt (34) is used to divide the inner space of the briefcase body (Fig. 1 and Col. 3, lines 27-30). Another embodiment of Chen's invention uses a third type of fastening belt (36) that secures the notebook surface across the notebook's largest area (Fig. 2).

However, Chen is distinguishable from the invention recited in amended independent claim 1. Applicants' claim 1 recites a pair of side panels, where each side panel has a strap attached thereto at a proximal end. Claim 1 also recites that the straps have first and second opposing faces, wherein at least a portion of one of the first and second faces of each said strap extends substantially adjacent to the face of a respective one of the side panels when a laptop computer is disposed within the carrying case. The foregoing distinction is important. One skilled in the art would recognize that Applicants' teaching of straps extending substantially adjacent to a side panel face is neither suggested nor motivated by the prior art. Applicants have now amended claim 1 to more particularly recite this feature of their invention.

Claims 2-4, 15-19, 26 and 30-32 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Chen and further in view of U.S. Patent No. 5,160,001 to Marceau ("Marceau"). The Chen reference has already been described earlier. Marceau discloses a soft carrying case having two or more full length side-by-side pockets on either side of a central dividing wall and a means for securely strapping a small portable notebook computer against the upper inside portion of the central dividing wall and spaced from the case bottom. The case is closed by flaps attached at the top of the case near the openings of the side-by-side pockets and are held closed by appropriate quick acting fastening means.

Applicants' independent claims 15 and 26 both recite the limitation that states "at least one strap extending from said side panel and substantially covering a gap area between said

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side panel and said cover flap." This feature is shown in Fig. 7. The strap covers the gap (702) between the side panels (106) and the cover flap (112) (Applicants' specification [0032]).

However, neither Chen nor Marceau disclose such a limitation. Chen does not teach a cover flap that would form a gap area with a side panel. Furthermore, Marceau's pair of upper computer mounting straps are generally disposed away from the end panels (Fig. 3). Therefore, the mounting straps disclosed in Marceau do not substantially cover the gap area between the end panels (42) and the cover flap (10) (Marceau, Fig. 2) as is taught by Applicants. Accordingly, neither Chen nor Marceau teaches nor suggests to one of ordinary skill such a limitation. In view of the foregoing, amended independent claims 15 and 26 are believed to be allowable over the cited art.

In view of the foregoing, Applicants respectfully submit that amended independent claims 1, 15, and 26 are not obvious in view of the cited references and kindly request that Examiner withdraw the rejection under 35 U.S.C. §103(a).

Furthermore, Applicants' dependent claims are also distinguishable from the cited Vermillion et al. reference. Vermillion et al. discloses a notebook computer carrying case that includes a two-piece sling to hold the notebook computer (Col. 4, lines 21-27). Each sling piece has a padded structure that is contained within an inner and outer cloth piece (Col. 5, lines 7-14). However, Vermillion et al. does not teach Applicants' limitation in dependent claim 8. Applicants' claim 8 recites that "the strap has a length extending a predetermined distance beyond an edge of said side wall defining an opening in said case, whereby said strap provides a protective covering for at least a portion of an oversized laptop computer disposed in said carrying case." Thus, Vermillion et al. fails to compensate for the deficiencies present in Chen and Marceau. In view of the foregoing, the remaining dependent claims 2-4, 6-14, 16-25, and 27-32 are believed to be patentable at least by virtue of their dependence upon an allowable base claim.

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VII. Conclusion

Applicants have made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. Nevertheless, Applicants invite the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicants respectfully request reconsideration and prompt allowance of the pending claims.

Respectfully submitted,

11-7-05
Date


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